

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER**

Application 28424 Permit 19913 License

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, ADDING A THREATEN AND  
ENDANGERED SPECIES TERM, CORRECTION TO THE PURPOSE OF USE, AND  
AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 19913 was issued to Neil Young on November 13, 1986 pursuant to Application 28424.
2. A petition for an extension of time in which to develop the project and apply the water to the proposed use was filed with the State Water Resources Control Board on February 13, 1998.
3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.
4. The reservoirs provide permittee with incidental recreation, fire protection, and wildlife enhancement usage. The incidental use can be added to a permit by way of a correction under section 798 of the California Code of Regulations.
5. Fish or wildlife species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. A new development schedule is approved as follows:

Complete application of the water to the proposed use shall be made by  
December 31, 2008. (0000009)

2. The purpose of use to read as:

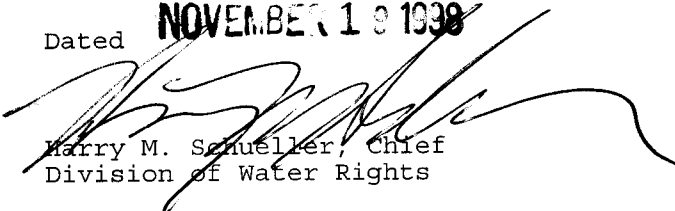
Irrigation, stockwatering, recreation, fire protection, and wildlife enhancement.

3. The addition of Paragraph 14 to read as:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit. (0000014)

Dated

**NOVEMBER 19 1998**

  
Harry M. Schueller, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**  
**ORDER**

Application 28424 Permit 19913 License           

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, ADDING ENDANGERED  
OR THREATENED SPECIES TERM, CORRECTION TO THE PURPOSE OF USE,  
AND AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 19913 was issued to California Water Services Company on November 13, 1986.
2. A petition for an Extension of Time in which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board on February 13, 1998.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
4. The reservoirs provide permittee with incidental recreation, fire protection, and wildlife enhancement usage. The incidental use can be added to a permit by way of a correction under Section 798 of the California Code of Regulations.
5. Any fish and wildlife species determined to be endangered or threatened that is added and protected under the federal Endangered Species Act and/or the California Endangered Species Act; permittee needs consultation with the appropriate agency to determine if the diversion should be restricted.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. A new development schedule is approved as follows:  
  
Complete application of the water to the proposed use  
shall be made by December 31, 2008.  

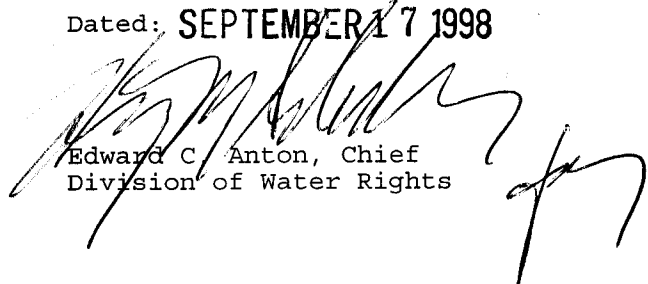
(0000009)
2. The purpose of use to read as:  
  
Irrigation, stockwatering, recreation, fire protection,  
and wildlife enhancement.
3. The addition of Paragraph 8 to read as:  
  
This permit does not authorize any act which is now prohibited, or  
becomes prohibited in the future, under either the California Endangered  
Species Act (Fish and Game Code sections 2050 to 1097) or the federal

Application 28424 Permit 19913 License \_\_\_\_\_  
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Endangered Species Act (16 U.A.C.A. sections 1531 to 1544). The permittee should seek guidance from the Endangered Species Act agency on whether an incidental take permit is advisable for this activity and pursue obtaining such a permit as appropriate

(Endangered or Threatened Species Term)

Dated: **SEPTEMBER 17 1998**



Edward C. Anton, Chief  
Division of Water Rights

## STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19913Application 28424 of Neil Young16206 Skyline Boulevard, Woodside, CA 94062filed on April 15, 1985, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

## 1. Source:

## Tributary to:

(1) Unnamed StreamEl Corte de Madera thenceSan Gregorio Creek thencePacific Ocean(2) El Corte de MaderaSan Gregorio Creek thencePacific Ocean

| 2. Location of point of diversion:   | 40-acre subdivision<br>of public land survey<br>or projection thereof | Section | Town-<br>ship | Range | Base<br>and<br>Meridian |
|--|---|---------|---------------|-------|-------------------------|
| <u>Storage</u><br>(1) North 10° West 1500 feet from SE<br>corner of projected Section 36 (182)             | NE½ of SE½  | 36      | 6S            | 5W    | MD                      |
| <u>Diversion to Offstream Storage</u><br>(2) South 75° East 730 feet from<br>NW Corner of Section 20 (169) | NW½ of NW½  | 20      | 6S            | 4W    | MD                      |
|  |   |         |               |       |                         |
|  |   |         |               |       |                         |

County of San Mateo

| 3. Purpose of use:   | 4. Place of use: | Section    | Town-<br>ship | Range | Base<br>and<br>Meridian | Acres |
|----------------------|------------------|------------|---------------|-------|-------------------------|-------|
| <u>Stockwatering</u> |                  |            |               |       |                         |       |
| <u>Irrigation</u>    | <u>S½</u>        | proj<br>31 | 6S            | 4W    | MD                      | 70    |
|                      |                  |            |               |       |                         |       |
|                      |                  |            |               |       |                         |       |
|                      |                  |            |               |       |                         |       |
|                      |                  |            |               |       |                         |       |
|                      |                  |            |               |       |                         |       |
|                      |                  |            |               |       |                         |       |
|                      |                  |            |               |       |                         |       |

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 20 acre-feet per annum to be collected from November 1 of each year to April 30 of the succeeding year. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005)

The maximum rate of diversion to offstream storage shall not exceed 0.12 cubic foot per second. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 1, 1990. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. Permittee shall, when required by the State Water Resources Control Board, install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the Board, in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. Permittee shall submit plans and specifications of the outlet pipe or alternative facilities to the Chief of the Division of Water Rights for approval within 6 months of the date upon which the Board issues notice that an outlet is required. Permittee shall furnish evidence which substantiates that the outlet pipe or alternative facility has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050044)

13. This permit is subject to prior rights in the San Gregorio Creek Adjudication.

(0160800)  
(000023)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: NOVEMBER 13 1986

STATE WATER RESOURCES CONTROL BOARD

*Raymond Walsh*

Chief, Division of Water Rights